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PATENT  
Docket No. 290.00100101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Michael S. Kinch et al.	)	Group Art Unit:	3254
	)		
Serial No.: 09/640,935	)	Examiner:	Misook Yu
Confirmation No.: 3252	)		
	)		
Filed: 17 August 2000	)		
	)		
For: EPHA2 AS A THERAPEUTIC TARGET FOR METASTATIC CANCER (As Amended)	)		

**DECLARATION OF MICHAEL S. KINCH UNDER 37 C.F.R. §1.132**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Michael S. Kinch, Ph.D., declare and say as follows:

1. I am a co-inventor of the above-identified U.S. Patent Application Serial No. 09/640,935, filed August 17, 2000. I am currently employed as Associate Director of Oncology at MedImmune, Inc., located in Gaithersburg, Maryland. In 1993 I received my Ph.D. in Immunology from Duke University. From 1993-1996 I was a post-doctoral fellow at The University of North Carolina at Chapel Hill in Cancer Cell Biology. From 1996 to 2001 I was a Professor of Cellular Pharmacology at Purdue University, West Lafayette, Indiana, and an Adjunct Professor in the Department of Pharmacology at Indiana University School of Medicine, Indianapolis, Indiana. I joined MedImmune in 2001.

EXHIBIT  
F

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2. On information and belief, hybridoma B2D6 was produced by Katherine Kilpatrick, an employee of GlaxoWellcome, Inc., and delivered to me via FedEx in the course of my employment as a professor at Purdue University and prior to the filing date of the above-identified patent application. At the time it was delivered to me, hybridoma B2D6 was not isolated, characterized or identified as such, but was present in a bulk culture that contained several hybridoma cell lines.
3. I participated in or supervised the subcloning (isolation) of murine hybridoma cell line B2D6 from the bulk culture. Subcloning (isolation) was performed by Nicole Zantek, a graduate student in my laboratory at Purdue University. From the date of its isolation until the date of its deposit with the American Type Culture Collection (ATCC), I participated in or supervised the identification of, characterization of, maintenance of and recordkeeping associated with murine hybridoma cell line B2D6.
4. On or about December 1, 2000, I contacted Jane Stewart, a research associate under my direction at Purdue University, and instructed her to prepare samples of murine hybridoma cell line B2D6 for deposit with the ATCC. On information and belief, she thawed a frozen sample of the hybridoma B2D6 cell line and cultured additional samples of hybridoma cell line B2D6 required by the ATCC for deposit.
5. On December 7, 2000, Jane Stewart forwarded by Federal Express the murine hybridoma cell line B2D6 to the ATCC at 10801 University Blvd., Manassas, Virginia, 20110-2209, USA. The deposit is dated December 8, 2000. The cell line was viable at the time of deposit. Murine hybridoma cell line B2D6 has been assigned accession number ATCC No. PTA 2754. A copy of the Receipt from the ATCC regarding this deposit is attached to this statement as Exhibit A.

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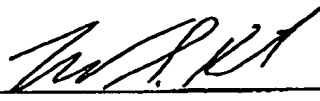
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6. I confirm and corroborate that murine hybridoma cell line B2D6 from the same preparation as the sample deposited on December 8, 2000, with the ATCC and given ATCC Accession No. PTA 2754, produces a monoclonal antibody that specifically binds an extracellular epitope of the receptor tyrosine kinase EphA2, described in the specification of the above-identified application at, for example, page 6, lines 10-11 and claim 9 as originally filed.

7. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2-13-03  
Date

By:   
Dr. Michael S. Kinch  
Applicant

**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2740 • FAX: 703-365-2743

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE****INTERNATIONAL FORM****RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2****To: (Name and Address of Depositor or Attorney)**

Purdue University  
Attn: Michael S. Kiuch, Ph.D.  
1246 Lynn Hall  
West Lafayette, IN 47907-1246

**RECEIVED**

FEB 12 2001

**MUETING AND RAASCH****Deposited on Behalf of: Purdue University**

**Identification Reference by Depositor:**  
Murine Hybridoma: B2D6  
(Ref. Docket or Case No.: P-98086-00-US)

**Patent Deposit Designation**  
PTA-2754

The deposits were accompanied by:    a scientific description    a proposed taxonomic description indicated above. The deposits were received December 8, 2000 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST: X** We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested December 12, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: February 7, 2001

cc: Victoria Sandberg